



16349

PATENT

Attorney Docket No.: A-69605-1/RMS/DCF [469249-00110]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GUNDERSON *et al.*

Serial No.: 09/940,185

Filed: August 27, 2001

For: PROBES AND DECODER
OLIGONUCLEOTIDES

Examiner: J. EINSMANN

Group Art Unit: 1634

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on:

Dated: January 21, 2003

Signed: Mari Kleineidam
Mari Kleineidam

RESPONSE TO RESTRICTION REQUIREMENT

RECEIVED

JAN 28 2003

TECH CENTER 1600/2900

Commissioner for Patents
Washington, DC 20231

Sir:

This is in response to the Restriction Requirement mailed November 19, 2002. This response is being filed on or before the extended deadline of January 19, 2003, the time period for response being extended by the attached petition for extension and requisite fee.

The Commissioner is authorized to charge additional fees which may be required, including extension fees, or credit any overpayment, to Deposit Account No. 50-2319 (Our Order No. A-69605-1/RMS/DCF [469249-110]).

Response to Restriction

In response to the Restriction Requirement, Applicants elect for further prosecution the claims of Group I, namely Claims 1-13. This election is made without traverse.

In the Claims

Cancel Claims 14-16, without prejudice or disclaimer as drawn to non-elected invention.

Serial No.: 09/940,185
Filed: August 27, 2001

REMARKS

Prior to the amendment, claims 1-16 were pending. Following this amendment claims 1-13 are pending. Claims 14-16 are canceled without prejudice or disclaimer as drawn to non-elected invention. Applicants submit that no new matter is introduced by way of this amendment. For the Examiner's convenience, a copy of the currently pending claims is appended hereto as Appendix A. A version showing changes also is appended hereto.

It is noted that the Examiner requests that Applicants identify one combination of capture probes chosen from the group consisting of the sequences set forth in Table 1, Table 2, Table 3 and Table 4. In response, Applicants elect sequences identified by SEQ ID NOs: 18-40, 42-54, 56-113 and 117-122. This list includes 100 sequences so it is believed that all of claims 1-13 should be considered elected claims. The sequences are found at least in Table 3 and in the Sequence Listing.

CONCLUSION

Please direct any calls in connection with this application to the undersigned at
(415) 781-1989.

Respectfully submitted,

DORSEY & WHITNEY, LLP



David Foster, Reg. No. 44,685 for
Robin M. Silva, Reg. No. 38,304

Four Embarcadero Center, Suite 3400
San Francisco, CA 94111-4187
Telephone: (415) 781-1989